

REMARKS**Status of the Claims**

Upon entry of the amendment above, claims 1-11, 13-19, and 21-32 will be pending, claims 1, 6, 7, and 13 being independent.

Summary of the Office Action

On page 2 of the Office action, it is explained that "[t]he proposed drawing correction and/or the proposed substitute sheets of drawings, filed on October 21, 2002, have been approved." However, seemingly inconsistent with the approval, in the immediately following sentence, a requirement is made that a proper correction or corrected drawings are required to avoid abandonment.

The specification is objected to under 35 USC §132 for having had "new matter" added to paragraphs [0041] and [0061] of the specification.

Claims 7-20 are rejected under 35 USC §112, first paragraph, as allegedly containing subject matter of which Applicants were not in possession at the time the application was filed, *i.e.*, for non-compliance with the written description requirement of §112, first paragraph.

Claims 1-20 are rejected under 35 USC §103(a) as being unpatentable over KELLER et al. (U.S. Patent No. 5,909,893, hereinafter "KELLER") in view of TANAKA (U.S. Patent No. 6,386,574).

Response to the Office Action**A. Interview**

First, Applicants' undersigned representative wishes to thank Examiner Bottorff for his agreement to schedule an interview on April 15, 2003, despite the finality of the Office action.

By means of the interview, Applicants' representative became more clearly informed of the Examiner's positions regarding the various forms of claims that had been pending prior to the instant amendment.

The amendment above includes clarifications which result from the discussion during the interview.

B. Corrected Drawing

With Applicants' reply to the first Office action, they filed a proposed amendment as well as a corrected formal drawing conforming to the amendment. Inasmuch as the amendment has been approved and a corrected drawing was filed with Applicants' previous reply, Applicants have already complied with the requirement for filing corrected drawings.

In summary, in the previously filed corrected drawing, in Fig. 1, reference characters IV-IV have replaced reference characters III-III, to indicate properly that Fig. 4 is a cross-sectional view taken at the indicated line in Fig. 1.

During the aforementioned interview with the Examiner on April 15, 2003, the Examiner confirmed that the corrected drawing has been received, as confirmed in the Interview Summary (form PTO-413).

C. Withdrawal of Objection to Specification

Applicants request that the objection to the specification under 35 USC §132 be reconsidered and withdrawn.

From the comments at the top of page 3 of the Office action, it appears that a consideration of the invention has been made only *with regard to the configuration of the assembly of the invention as the assembly is mounted upon the board 2* and *not* with regard to the configuration in which the invention can exist as an assembly independent of the board. It is the latter configuration for which the amendment had been directed.

That is, the objection includes the statement that "[a]ccording to the original disclosure, the screw is mounted on the plate by placing the smooth portion into the hole, and allowing the threads to extend beyond the plate to engage the board." That statement, of course, is correct. However, that statement is also *not* inconsistent with the fact that, before the assembly 1 is mounted upon the board 2, the screws 30, 31, 32, 33 are effective in retaining the screws in a particular orientation with respect to the base 3, such as with respect to the disk 20 of the base 3, by means of the plate 50, either by having the screws in threaded engagement with the holes

of the plate or by having the threaded portions of the screws positioned beyond the holes of the plate.

The Examiner is correct regarding the disclosures of paragraphs [0042] and [0062]. That is, *after the screw is screwed through the plate 50*, the threaded portion 57 of the screw is on the other side of the plate with respect to the head 55 of the screw. For example, in the configuration in which the base 3, or the disk 20 of the base, is secured to the snowboard 2, the screws 30, 31, 32, 33 are no longer in threaded engagement with the plate 50. Indeed, as explained in paragraph [0045], as seen in FIG. 4, in the area of the elongated holes 34, 35, the screws 30, 31 extend through both the elongated holes of the disk 20 and the holes 51, 52 of the plate 50, respectively, so as to be screwed into the bushes 38, 39 of the board 2.

However, consistent with the original disclosure, *before* the screws are screwed into the board 2, the plate 50 enables the orientation of all of the screws to be maintained (even with the threaded parts 57 of the screws on the opposite side of the plate relative to the heads 55 of the screws, as mentioned in paragraph [0042]) so that, when the user positions one of the screws along an elongated hole, in order to position the screw on a bushing 38, 39, 40, 41 of the board, all of the screws are displaced simultaneously to their proper positions on a respective one of the bushings (see paragraph [0046]). The prior art relied upon in the §103 rejection fails to teach or suggest this feature of the invention.

According to the invention, the user positions all of the screws in a single manipulation. As a result, the mounting and adjusting operations are less time-consuming and simpler and the positioning of the retention assembly on the board is easier.

D. Withdrawal of Rejection Under 35 USC §112, First Paragraph

In response to the rejection under 35 USC §112, first paragraph, Applicants have amended independent claims 7 and 13 to delete reference to the screws being in "threaded engagement" with the plate.

Accordingly, reconsideration and withdrawal of the rejection is requested.

E. Withdrawal of Rejection Under 35 USC §103(a)

Applicant requests that the rejection of claims 1-20 under 35 USC §103(a) based upon a combination of KELLER and TANAKA be withdrawn.

1. Claim 1

Claim 1 includes the following limitations which are not believed to be taught or suggested by KELLER and TANAKA.

First, in claim 1, Applicants call for, *inter alia*, "said assembly further comprising a single plate."

Second, in claim 1, Applicants call for "means for retaining the screws on the plate."

a. First Limitation --- Single Plate

In contrast to the aforementioned first limitation, KELLER provides a first pair of screws 8 that extend through a pair of holes in a first plate 12 and a second pair of screws 8 that extend through a pair of holes in a second plate. *Each of the screws 8 of KELLER's disclosed retaining apparatus do not extend through a single plate.* Further, TANAKA provides no teaching or suggestion to supply this deficiency of KELLER.

As Applicants had explained in their response to the first Office action on October 21, 2002, according to the invention, by virtue of having all of the screws extending through a single plate, the user can position all of the screws for mounting the retention assembly upon a snowboard, e.g., in a single manipulation. As a result, the mounting and adjusting operations are less time-consuming and simpler and the positioning of the retention assembly on the board is easier. Neither TANAKA nor KELLER teach or suggest this.

b. Second Limitation --- Retaining Means

As mentioned above, claim 1 also includes the limitation "retaining means for retaining the screws on the plate." This limitation, to be construed according to 35 USC §112, sixth paragraph, cannot be properly construed to be met by KELLER or a combination of KELLER and TANAKA.

Neither KELLER nor TANAKA have any structure that would provide for Applicants' recited "means."

In Applicants' invention, the retention means prevents the screws from becoming disassociated from the assembly and ensures their relative positioning so that, when the user desires to affix the boot retention assembly of the invention to a snowboard, e.g., by a single manipulation, he can move the plate/disk/base of the assembly until the screws specified in claim 1 can become positioned above their respective locations on the snowboard. No such feature is to be found in KELLER or TANAKA. Further, no mention of this limitation appears in the rejection.

2. Claim 6

In the amendment above, claim 6 has been rewritten in independent form and further amendments have been made. Specifically, the disk of the assembly includes "at least three elongated holes" and the plate of the assembly includes "at least three holes." In each "flat strip" (*i.e.*, "plate") 12 of KELLER, there are but two holes 13, 13. In addition to the invention as defined in claim 1, in which "at least two holes" are provided in the disk and in the plate, the invention also encompasses at least three or four holes. See, *e.g.*, paragraph [0032].

Neither KELLER nor TANAKA teach or suggest at least three of the screws extending through a single plate or at least three elongated holes in the disk. Further, Applicants submit that there would have been no reason why one skilled in the art would have considered such a configuration.

Further, claim 6, like claim 1, includes the aforementioned limitation regarding a "retaining means retaining the screws on the plate." Neither KELLER nor TANAKA teach or suggestion such means.

3. Claims 7 and 13

Independent claims 7 and 13 are similar regarding certain features of the invention being alluded to in this reply. They differ in that claim 7 calls for the assembly of the invention to

include a "disk" with holes therein for the aforementioned screws, whereas claim 13 merely calls for the "base" of the assembly, without specific reference to the disk.

However, each of claims 7 and 13 include the limitation of "a single plate" and "all of the at least two screws extending through respective ones of the holes of the plate" Again, as mentioned above, neither KELLER nor TANAKA teach or suggest an assembly in which all screws are positioned in a single plate. As mentioned above, this feature provides for an ease of assembly to the snowboard, e.g., whereby a single manipulation can accurately position the screws to their intended positions.

4. Dependent Claims 5, 11, and 19

In addition to independent claims 1, 6, 7, and 13, Applicants bring to the Examiner's attention certain dependent claims.

For example, original claim 5 specifies that "the plate has four holes spread to the four corners of a square." Claims 11 and 19 include a similar limitation. There is no plate in either KELLER or TANAKA that has four holes as specified in claims 5, 11, and 19 and there would have been no reason why one skilled in the art would have modified either in a manner that would have resulted in their assemblies having this feature.

F. New Claims

In the amendment above, Applicants have added new claims 21-32, all of which are dependent.

Claims 21, 26, and 31 depend from independent claims 1, 7, and 13, respectively, and specify that the base/disk has at least three elongated holes and the plate has at least three holes. As mentioned above with regard to claim 6, neither KELLER nor TANAKA teaches or suggests such a configuration.

Claims 22, 27, and 32 depend from independent claims 1, 7, and 13, respectively, and specify that the base/disk has at least four elongated holes and the plate has at least four holes.

Claims 23 and 28 express a structural relationship between the respective sizes of the screws and the holes of the plate, whereby the screws are to be "forcibly screwed" through the

holes of the plate. This relationship is not found in KELLER. Instead, the screws 8 are believed to be merely longitudinally slid through the holes 10 in KELLER.

Finally, claims 24, 25, 29, and 30 relate to the material from which the plate is made and a range of thickness.

SUMMARY AND CONCLUSION

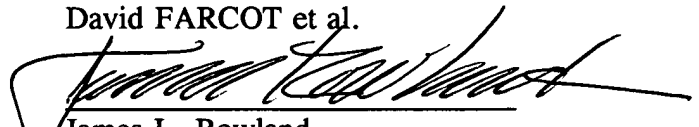
The grounds of objection and rejection advanced in the Office action have been addressed and are believed to be overcome. Reconsideration and allowance are respectfully requested in view of the amendment and remarks above.

A check is enclosed for payment of a fee for an extension of time. No additional fee is believed to be due at this time. However, the Commissioner is authorized to charge any fee required for acceptance of this reply as timely and complete to Deposit Account No. 19-0089.

Further, although an extension of time for a single month is believed to be necessary at this time, if it were to be found that an additional extension of time were necessary to render this reply timely and/or complete, Applicants request an extension of time under 37 CFR §1.136(a) in the necessary increment(s) of month(s) to render this reply timely and/or complete and the Commissioner is authorized to charge any necessary extension of time fee under 37 CFR §1.17 to Deposit Account No. 19-0089.

Any comments or questions concerning this application can be directed to the undersigned at the telephone or fax number given below.

Respectfully submitted,
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